IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8263 OF 2007

Rohidas Gajanan Bhalerao & Ors. .. Petitioners

Vs.

The Executive Engineer and
Regional Officer, Pimpri Chinchwad
Municipal Corporation, Pimpri, Pune
& Others .. Respondents

Mr.P.B.Shah for the petitioners

Mr.D.R.More with Mr.A.J.Suryawanshi for respondent nos.1 and 2

Mr.R.V.Govilkar with Mr.R.C.Master for respondent nos.3 to 5 and 8

Mr.Rajesh Behere, A.G.P. for respondent nos.6, 7 and 9

CORAM : J.N.PATEL &
SMT.NISHITA MHATRE, JJ.

DATED : 22ND NOVEMBER, 2007

P.C.:

1. The petitioners have alternate remedy under section 47 of the Maharashtra Regional and Town Planning Act, 1966. Therefore, this court is not inclined to entertain the petition.

2. The learned counsel for the petitioners submits that he may be permitted to withdraw the petition with liberty to seek alternate remedy available to him under the statute and till then, their structures be protected.

3. In the peculiar facts and circumstances, we are inclined to permit the petitioners to withdraw the petition with liberty to file an appeal and this court makes it clear that the petitioners should prefer an appeal on or before 20th December, 2007 from the date of filing of this petition before the appellate authority. Till then, the interim order passed by this court in Vacation on 15th November, 2007 i.e. the respondents are directed not to carry out the demolition till 22nd November, 2007 be continued. In case the petitioners prefer an appeal, interim protection granted by this court would stand vacated and it is left to the discretion of the appellate authority to entertain the request of the petitioner to grant interim relief, if any, till disposal of the appeal and dispose of the appeal in accordance with law.

In case no appeal is preferred within the stipulated period, liberty granted by this court, so also the interim order should stand withdrawn / vacated.

. Authenticated copies of this order be made available to the learned counsel for the parties to enable them to act accordingly.

(J.N. PATEL, J)

(SMT.NISHITA MHATRE, J)